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Gerald Asch
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EX PARTE OR LATE FILED

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October 16, 1996

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street NW - Room 222
Washington, D.C. 20554

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Federal Communications Commission
Office of Secretary

Re: **Ex Parte**
CC Docket No. 96-149, Implementation of the Non-
Accounting Safeguards of Sections 271 and 272 of the
Communications Act of 1934, as amended; and
Regulatory Treatment of LEC Provision of
Interexchange Services Originating in the LEC's Local
Exchange Area

Dear Mr. Caton:

Per a request Bell Atlantic received from Cheryl Leanza, Policy and Program Planning Division, attached is Bell Atlantic's response, provided to Ms. Leanza on October 15, 1996, to arguments raised in AT&T's October 3, Ex Parte filing concerning reporting requirements to be imposed on Bell companies' regulated exchange access services.

An original and a copy of this Ex Parte is being filed in the office of the Secretary on October 16, 1996.

Please include it in the public record of this proceeding.

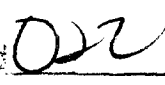
Respectfully submitted,



Gerald Asch
Director - FCC Relations

Attachment

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Edward Shakin
Regulatory Counsel

October 15, 1996

Cheryl A. Leanza, Esq.
Policy and Program Planning Division
Room 544
1919 M. Street, N.W.
Washington, D.C. 20554

CC Docket 96-149

Dear Ms. Leanza:

As you requested, this briefly responds to arguments raised by AT&T in its October 3, *ex parte* filing concerning additional reporting requirements to be imposed on Bell companies' regulated exchange access services. The reports proposed by AT&T vastly exceed the requirements of the Act, unnecessarily and unreasonably burden exchange access providers, and should be rejected.

First, AT&T's proposed reporting requirements are inconsistent with the Act. The only section dealing with nondiscrimination in the timeliness of providing service -- the apparent focus of AT&T's proposed reports -- is section 272(e)(1). But, as explained in my September 27 *ex parte* letter, section 272(e)(1) does not create additional reporting requirements, and does not support AT&T's claim.

Second, even AT&T concedes that regardless of content, reporting requirements are, at best, of limited value in enforcing the nondiscrimination requirements of the Act. (p.1) In particular, no report could capture instances of when a customer's inaction results in slower service.

Third, the particular reporting requirements proposed by AT&T are burdensome and provide no additional information that would be of relevance to a Commission proceeding. Thus, if the Commission were to consider imposing a reporting requirement, which it should not, the reports proposed by AT&T still should be rejected.

AT&T suggests that its proposed reports are already routinely and widely used by companies that provide exchange access and would therefore not impose a significant new burden. (p. 2) AT&T is wrong. In fact, reports similar to these were created by AT&T, and it is AT&T that requires Bell Atlantic (and presumably other access suppliers) to provide these

Cheryl A. Leanza, Esq.
October 15, 1996
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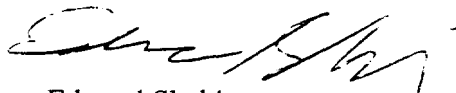
reports as a condition of purchasing Bell Atlantic's exchange access service.¹ They do not, however, contain information routinely tracked by Bell Atlantic. The reports are quite burdensome to prepare, taking several Bell Atlantic managers hundreds of hours a year to compile just the data for AT&T alone. That burden would be multiplied significantly if Bell Atlantic were required to prepare the same information for a regulatory report that covered every other access customer.

Other customers have not requested the same information and would have no reason to do so. In fact, the specific information sought by AT&T is so detailed and irrelevant so as to be almost meaningless to other customers. Moreover, the proposed reports are of no use in detecting discrimination, and as a result, offer no information that would be of use in a Commission proceeding. For example, rather than just measuring on time performance, AT&T seeks quantification of the timeliness for various intermediate checkpoints. (p. 5) These intermediate measures only create additional tracking work and say nothing about the ultimate timeliness of the total service. AT&T also includes a category of "jeopardy notification provided," which tracks a meaningless make-work statistic -- whether the access supplier has met AT&T's self-imposed deadline to inform AT&T of a potential delay in provisioning service.

Fourth, if reporting requirements are created, they should track those that have proven effective in the context of ONA. As explained in my previous letter, Bell Atlantic today reports information on due dates missed, percent due dates missed and average service interval as part of its quarterly ONA non-discrimination reports (pursuant to FCC orders in Docket 88-2). That information is provided separately for services provided to Bell Atlantic affiliates and those provided to all customers in order to allow the Commission to compare relative service responsiveness. While no reports are necessary, reports of this type at least have the virtue of tracking relevant information that is consistent with Bell Atlantic's own internal service quality tracking.

Please feel free to call me if you wish to further discuss this issue, or if you have any questions.

Sincerely,



Edward Shakin

cc: William F. Caton, Secretary
Charles E. Griffin, AT&T Government Affairs Director

¹ AT&T's proposed reports go beyond even what AT&T has previously demanded of Bell Atlantic. For example, AT&T's proposed reports would require a tracking of the percent of lines restored for each successive one hour interval. (p. 5) This is a meaningless statistic, and tracking such information would only serve to slow the actual provision of service.